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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 Free Now Foundation, Brave And Free
11 Santa Cruz, D.Q., by his Next Friend, Alix
12 Mayer, A.R., by his Next Friend, Alix
13 Mayer, T.E., by his Next Friend, Kathleen
Lynch, and N.D., by his Next Friend
Kathleen Lynch;

14 Plaintiffs;

15 vs.

16 Erica Pan, In Her Official Capacity As
17 Director Of The California Department Of
Public Health;

18 Defendants
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CASE NO. 2:24-cv-03523-DJC-SCR

Date: July 10, 2025

Time: 1:30 p.m.

Courtroom: 7

Judge: Hon. Daniel J. Calabretta

Action Filed: December 16, 2024

**NOTICE OF MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

FRCP RULE 65(a)

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PLEASE TAKE NOTICE THAT on July 10, 2025, at 1:30 p.m. or as

as soon thereafter as the matter may be heard, at the United States District Court for the Eastern District of California, in courtroom number 7, 14th Floor, 501 I Street, Sacramento, California, the Plaintiffs will move for an order, pursuant to Federal Rules of Civil Procedure Rule 65, granting preliminary injunctive relief enjoining defendant Erica Pan, in her official capacity as Director of the California Department Of Public Health, from enforcing the requirements of California Health and Safety Code Section 120335 as to the plaintiff minor children and all other similarly situated California school children pending further orders from this court.

This motion is based on Plaintiffs' Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the declaration of Mary Barnes, mother of minor child D.Q., the declaration of Andres Rivera, adult brother of minor child A.R., the declaration of Robert Esposito, father of minor child T.E., the declaration of Samir Daoud, father of minor child N.D., the declaration of Alix Mayer, Chair of plaintiff Free Now Foundation, the declaration of Kathleen Lynch, co-chair of plaintiff Brave and Free Santa Cruz, the Request for Judicial Notice filed herewith, and all papers and records on file with the Court or which may be submitted prior to the time of the hearing, any oral argument and any further evidence which may be offered.

Dated: June 4, 2025

Respectfully submitted,

Richard B. Fox

Richard B. Fox, Counsel for Plaintiffs

CERTIFICATE OF SERVICE

Case Name: Free Now Foundation, et al. v Pan

No. 2:24-cv-03523-DJC-SCR

I hereby certify that on June 4, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

Notice of Motion and Motion for Preliminary Injunction

Memorandum of Points and Authorities In Support of Motion for Preliminary Injunction

Request for Judicial Notice

I certify that all participants in the case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on June 4, 2025 at Pacific Grove, California.



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